AMENDMENTS TO THE DRAWINGS

The attached one (1) sheet of drawings includes changes to Figure 5 as described in further detail in the following section.

Attachment: Replacement Sheet (1)

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and receipt of the certified copy of the priority document. Responsive to the Office Action mailed on March 8, 2005 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-22 are pending. Claims 1, 3-5, 8, 10, 12, 14 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Toyoda et al (JP 2001-138482). Claims 2, 15, and 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al in view of Armine et al (US 5,717,287). Claims 6, 7, 9, 11, 13, and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al in view of Barton et al (US 6,617,772). Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al in view of Yakou et al (US 5,855,637). The drawings are objected to for including references numbers not mentioned in the description (Figs. 1c, 2, 3 and 5) and for not including reference numbers mentioned in the description (Figs. 1b and 1c).

In this paper, the specification and Fig. 5 are amended such that all reference numbers included in the drawings are mentioned in the specification and all reference numbers mentioned in the specification are included in the drawings. The specification is further amended to include the following new sentences: "Fig. 5 illustrates partial cross section of Fig. 1C along line 5 – 5'. The anode plate 130 comprises phosphor layers 132 and black matrix layers 134, wherein the spacer 120 disposes on the black matrix layers 134." Support for these new sentences can be found in Figs. 1c and 5, and the descriptions on page 4, lines 16-17, page 6, lines 23-28, and page 7, lines 1-9. Further, Fig. 5 has been amended to correct a typographical error by substituting the reference numeral "120" for "520".

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Rejections Under 35 U.S.C. 102(b)

Claims 1, 3-5, 8, 10, 12, 14 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Toyoda et al. Applicant respectfully traverses the rejections for at least the reasons as follow.

Translation of Toyoda et al

The rejections over Toyada et al are based upon on a Japanese language patent (JP 2001-138482) for which is provided an English language translation of the abstract only. In view of the references to specific paragraphs of Toyoda et al in the office action, it is Applicant's understanding that the Examiner is relying upon the underlying document, and not simply the abstract, in support of the rejections.

MPEP 706.02 reads:

> Prior art uncovered in searching the claimed subject matter of a patent application often includes English language abstracts of underlying documents, such as technical literature or foreign patent documents which may not be in the English language ... If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection.

No translation of the underlying document has been made of record in this application. Applicant respectfully requests that the Examiner make of record the English language translation of Toyoda et al upon which she relies in the rejections.

Toyoda et al do not teach or suggest a method of repositioning display spacers using inductive attraction comprising the steps of providing spacers susceptible to inductive attraction, providing an inductive chuck to attract the spacers, providing a substrate, and using the inductive chuck to position the spacers in desired positions on the substrate, as recited in claim 1.

MPEP 2131 prescribes that to anticipate a claim, a reference must teach every element of the claim. In this regard, the Federal Circuit has held:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).
>
> "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 provides a method of repositioning display spacers using inductive attraction. Particularly, spacers susceptible to inductive attraction are provided. The term "spacer" in claim 1 is a term of art in the field of flat panel display technology and refers to elements of a flat panel display used to keep a specific distance between an anode plate and a cathode plate. See page 1, lines 20-23 of the application. It is well known in the art that display spacers used in flat panel displays are a part of the flat panel display and would not be removed after being positioned in desired positions on a substrate.

With reference to US 6,485,596 (Toyoda '596), which is believed to be an English language equivalent to Toyoda et al, Toyoda '596 provide a three-dimensional structure transfer method and apparatus. In the method described by Toyoda '596, a barrier rib is disposed between front and back substrates of PDP. Namely, a paste-like barrier rib material 2 is first filled into a mother die 1b attached to a based material 1a. See Fig. 2A of Toyoda '596. A rubber magnet 4 is provided to attract the based material 1a to fix on a stainless plate 3a. See Fig. 2B of Toyoda '596. A press roller is provided to press the back face of the stainless plate 3a to contact-bond to a substrate 5 and move in a predetermined direction. Finally, the mother die 1b and the based material 1a are peeled from the substrate and the barrier rib, made by curing the paste-like barrier rib material 2, is formed on the substrate 5. See Figs. 3A~3C of Toyoda '596.

The Examiner relies upon barrier rib material 2 and mold 1 to teach the spacers susceptible to inductive attraction recited in claim 1. See page 3, section 6 of the office action.

Referring to col. 4, lines 28-44 of Toyoda '596, it is noted that disclosed materials for the paste-like barrier rib material 2 are low-melting glass powder, an inorganic filler, a binder resin or an organic solvent. As is well known by a person of ordinary skill in the art, none of these materials are susceptible to inductive attraction. Applicant therefore submits that the provision of barrier rib material 2 in Toyoda '506 may not be relied upon to teach the step of providing spacers susceptible to inductive attraction recited in claim 1.

It is further noted that Toyoda '596 teach that the support plate formed on base material 1a is magnetic. See column 8, lines 13-19 of Toyoda '596. However, Applicant notes that mold 1 comprising the mother die 1b and the base material 1a (magnetic material) is not a display spacer. Namely, in Toyoda '596, mold 1 is peeled off after fixing the barrier rib (paste-like barrier rib material 2) on the substrate 5. See column 9, lines 17-25 of Toyoda '596. Thus, mold 1 as described by Toyoda '596 is an instrument for transferring barrier rib material 2 to the substrate and is not a spacer, or a part of a spacer, as the term is used consistent with the specification and the interpretation by those skilled in the art. Applicant therefore submits that the provision of magnetic base material 1a in Toyoda '506 may not be relied upon to teach the step of providing spacers susceptible to inductive attraction recited in claim 1

Applicant therefore respectfully submits that Toyoda et al do not teach or suggest providing spacers susceptible to inductive attraction. Furthermore, as there are no spacers susceptible to inductive attraction, it follows that Toyoda et al do not teach the use inductive chuck to attract spacers susceptible to inductive attraction and position said spacers in desired positions on the substrate. For at least these reasons, Applicant respectfully submits that independent claim 1 is allowable over Toyoda et al. Insofar as claims 2-22 depend from claim 1, it is Applicant's belief that these claims are also allowable.

Rejections Under 35 U.S.C. 103(a)

Claims 2, 15, and 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al in view of Armine et al. Claims 6, 7, 9, 11, 13, and 16 stand rejected under 35

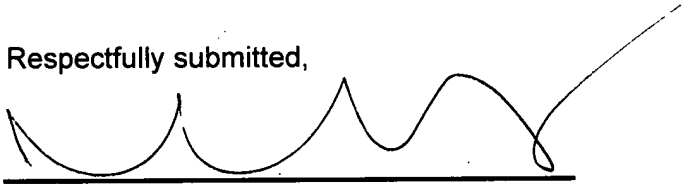
U.S.C. 103(a) as being unpatentable over Toyoda et al in view of Barton et al. Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al in view of Yakou et al.

As noted above, it is Applicant's belief that that claims 2-22 are allowable by virtue of their dependency from claim 1. For this reason, the Examiner's arguments in connection with these claims are considered moot and will not be addressed here.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,



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